



# United States Department of the Interior

## OFFICE OF THE SOLICITOR

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SALT LAKE CITY, UTAH 84138

February 10, 1993

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WATER RIGHTS  
SALT LAKE

Mr. Robert L. Morgan  
Utah State Engineer  
Department of Natural Resources  
1636 W. North Temple  
Salt Lake City, Utah 84116

Dear Mr. Morgan:

We want to call your attention to a water administration problem in Washington County, Utah, that is of growing concern to Zion National Park. Kolob Reservoir was constructed in 1957 on the highlands above the park to store water from the headwaters of Kolob Creek. Its operations since that time have been erratic, with no discernable pattern to release timing or quantity.

In the period since the reservoir was built, the Park has seen a tremendous increase in visitor use, with many of the visitors drawn specifically to see the area known as Zion Narrows. Some visitors to the Narrows also explore the course of Kolob Creek, which runs through a similar slot-type canyon before emptying into the North Fork of the Virgin River above Big Spring and the Narrows. There has been at least one instance of near disaster when hikers in Kolob Creek or the canyon below its confluence with the North Fork were surprised by sudden high flows being released from Kolob Reservoir.

Sudden high flows in the form of flash floods, as you well know, do occur naturally at Zion and present a danger to hikers in the canyon. The Park posts signs warning of this danger and changes the warning level on the sign at the mouth of the Narrows in response to weather forecasts. These efforts are intended to put the public on notice and provide adequate warning to the fullest extent possible.

The efforts of the Park to warn the public are useless, however, if man-made high flows occur as the result of releases from Kolob Reservoir at any time without warning. The Park has corresponded with Washington County Water Conservancy District (WCWCD) on this issue in the past, requesting notification before releases are made. To date the Park has received only vague statements in response, notifying the Park that releases can occur

anytime between June and September. (See enclosed letter of May 22, 1991). Obviously, this is worthless in providing warning to hiking parties as to when releases are going to occur.

Since you are charged with the responsibility of protecting the public interest in administering water rights in Utah, we therefore turn to you in order to secure the notification needed, as well as better administration of the water rights. We ask that a release schedule be established and adhered to for releases from Kolob Reservoir, and that the flume below the reservoir be repaired and recording devices installed, pursuant to Utah Code 73-5-4, to enable accurate measurement of reservoir releases. We also ask that WCWCD be required to notify the Park, 24 hours in advance, of increasing reservoir releases in increments greater than 3 cfs as well as the total release. We would also request that WCWCD provide the Park with annual summaries of reservoir release records. In addition to the additional protection to the public, we hope that these measures will reduce the potential liability of all concerned parties. These are issues of public safety and should be resolved as soon as possible in order to minimize the likelihood of actual tragedy.

In addition to the above matters of public safety, the Park has several questions concerning the administration of Kolob Reservoir. As we understand it, Kolob Reservoir and Storage Association, Inc. has a storage right for 5586 acre feet of water in Kolob Reservoir, although some state documents indicate the right is actually for 5573 acre feet. Which is the correct number? Are evaporation and seepage losses included in the storage right? How many acre feet are yielded after evaporation and seepage losses are accounted for? Does this right include a refill right? If there is a limit of 5586 acre feet (or 5573), and there are no means for measuring inflow or if there is no reservoir operations plan, how is it determined when the storage right is fulfilled and when or if "excess" inflows are released downstream?

It is also our understanding that applications out of Kolob Reservoir are limited to 600 acre feet. How are these transfers or exchanges for second home development, irrigation, etc., near Kolob Reservoir and downstream being administered? Are there any requirements to release offset flows out of Kolob Reservoir into Kolob Creek? Can the Park have any input into the management of these releases? How can the State or the Park monitor the cumulative impacts of transfers if the rights are not being administered? Therefore, the United States feels it is essential that a reservoir operations schedule be established and adhered to. The flume and recording devices requested above will also prove useful in answering these questions and resolving related issues, should the ongoing adjudication of the waters of the Virgin River disclose that the Park has water rights in the flow of Kolob Creek, as we expect.

We thank you for your attention to this matter.

Sincerely,



A. Scott Loveless  
Attorney-Advisor

Enclosure

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